IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1367 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/06/2004 in WP NO : 9717 OF 2004 on the file of the High Court.)

Between:

N. Sudheer, S/o Bhaskar Rao,
M/s Siddardha Enteprises, Indian Gas Godown, 22-1-1111, Imlibun,
Gowliguda,Hyderabad, Hyderabad.

..... APPELLANT

AND

1 The Deputy Commissioner, Endowment Department, Tilak Road,

Hyderabad.
2 Person in Management, Sri Jagannathaswamy Temple, Imlibun,

Gowliguda, Hyderabad.
3 Mahanth Bharath Das, S/o Late Jagannath Das,
R/o 22-1-1111, Imlibun, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr V.L.N.G.K.Murthy, Advocate for MR.N.GURU GOPAL, Advocate

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: Mr.Ravi Kondaveeti

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The appeal is against the order of learned single Judge disposing of the writ petition with certain reliefs granted to the appellant. Appellant had in fact questioned the legality and validity of the order passed by the Deputy Commissioner, Endowments Department Hyderabad dated 16th February, 2004 allowing the application of the second respondent and directing the appellant to deposit an amount of Rs.5,000/- with the temple every month towards use and occupation of the land pending disposal of O.A.No.3 of 2001.

With such like discretionary orders passed by the authority competent to pass such orders in appropriate proceedings, hardly any interference would be made by a court exercising writ jurisdiction unless it is shown that the order is perverse. Order passed by the Deputy Commissioner, Endowments has assigned reasons that the temple in question has been notified under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act and the subject land forms part of survey No.8 belonging to the temple. Therefore, prima facie, according to the Deputy Commissioner, the appellant is not entitled to realize amount from the land and thus directed reasonable amount to be deposited every month. Learned single Judge rightly while disposing of the petition granted some time to the appellant for deposit of the amount.

Learned counsel for the appellant says that the Deputy Commissioner has no doubt prejudged the issue and made some observations when the matter is still part heard before him.

While deciding interlocutory applications, the authorities concerned are required to make some observations, may be touching on merits. But the settled principle of law is that any observations made in such like interlocutory applications

touching on merits of the case cannot come in the way or influence the ultimate decision to be taken by the authority which of course will have to be taken in accordance with law uninfluenced by the prima facie observations made in the interlocutory orders. We see no reason to interfere with the order.

Appeal is accordingly dismissed making it further clear that amount to be deposited by the appellant pursuant to the impugned order in the writ petition will be subject to the result of the proceedings before the Deputy Commissioner, Endowments.

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DEVINDER GUPTA, CJ

13-09-2004

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C.V.RAMULU, J

Tvr

To

1 The Deputy Commissioner, Endowment Department, Tilak Road,

Hyderabad.

2 Person in Management, Sri Jagannathaswamy Temple, Imlibun,

Gowliguda, Hyderabad.

3 2 CCs to the Government pleader for Endowments, High Court

Buildings, Hyderabad (OUT).

4 2 CD copies.